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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,137	03/24/2004	Thomas Laukamm	740116-504	3689
25570 7590 12/28/2007 ROBERTS, MIOTKOWSKI & HOBBS P. O. BOX 10064 MCLEAN, VA 22102-8064				
EXAMINER WILLIAMS, CLAYTON R				
ART UNIT 4152		PAPER NUMBER		
NOTIFICATION DATE 12/28/2007		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/807,137

Applicant(s)

LAUKAMM ET AL.

Examiner

CLAYTON WILLIAMS

Art Unit

4152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 09/03/2004
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 are pending in this application.

Claim Objections

2. The following claims are objected to because of the following informalities:

- a. Claim 1 objected to for lack of antecedent basis. Claim 1 recites the limitation "the retriever data set" in the second limitation.

- b. Claim 1 objected to for improper terminology. Claim 1 recites "retrieving a display data set from the client". It is suggested this phrase be rewritten as "displaying a display data set on the client".

Appropriate corrections are required.

- c. Claim 3 objected for minor grammatical informality. Claim 3 recites "wherein displaying of the display data set which from the client". It is suggested this phrase be rewritten as "wherein displaying of the display data set on the client".

- d. Claim 4 objected to for improper terminology. Claim 4 recites "wherein the query data set is kept online at the client". It is suggested this phrase be rewritten as "wherein the query data set is stored locally at the client".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dyer et al., US 2002/0099591 (hereinafter Dyer).

For claim 1, Dyer teaches:

Data transmission process for transmission of data sets between at least one server and at least one client ([0031], lines 1-3) comprising the steps of:

maintaining a display data set on the at least one server and making the data set accessible to the at least one client via a connection which has been set up at least temporarily to the server ([0029], lines 20-23, disclosure of server providing access to contents of a vendor's website),

automatically retrieving the display data set from the server via at the connection which has been set up at least temporarily, transmitting the retriever data set to the at least one client and retrieving a display data set from the client ([0031], lines 1-3), and

at least partially overlapping in time with displaying of the display data set from the client, based on a query data set which is different from the display data set,

Art Unit: 4152

automatically sending an input request for inputting of response data from the client to the user of the client ([0035], lines 1-4, disclosure of questionnaire data stemming from source separate from webpage being served and lines 12-16, disclosure of questionnaire data being presented alongside webpage to requesting user).

For claim 2, Dyer teaches:

Data transmission process as claimed in claim 1, wherein the response data input by the user in response to the input request are automatically transmitted to a feedback server ([0037], lines 1-4).

For claim 4, Dyer teaches:

Data transmission process as claimed in claim 2, wherein the query data set is kept online at the client or is transmitted automatically online via a connection which has been set up at least temporarily from the query data server to the client ([0037], lines 1-4).

For claim 5, Dyer teaches:

Data transmission process as claimed in claim 4, wherein the feedback server is used as a query data server ([0035], lines 1-3) is used as a query data server ([0035], lines 10-12).

For claim 6, Dyer teaches:

Data transmission process as claimed in claim 2, wherein the input of the response data ([0035], lines 1-3) and automatic transmission of the response data to the feedback server takes place via the client ([0042], lines 4-7, user response received by browser, box 310, and is forwarded to server, box 320).

For claim 7, Dyer teaches:

Data transmission process as claimed in claim 1, wherein a shared display device is used for displaying of the display data set, for inputting requests based on the query data set and for inputting of response data ([0031], lines 2-5, disclosure of web browser forming display from HTML data transmitted from web server; [0035], lines 16-18, further disclosure of questionnaire being composed of HTML that is rendered by browser).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer, as applied to claim 1, in view of Hewitt et al., US 2001/0034219, (hereinafter Hewitt).

For claim 3, Dyer discloses:

“Data transmission process as claimed in claim 1”

Dyer does not disclose “wherein displaying of the display data set which from the client and the input request based on the query data set take place synchronously from the client to the user of the client for input of response data.”

However, Hewitt discloses a tuning service 120, its associated databases 181-187 ([0029], user can express interests by voting on songs or filling out surveys; [0031], this information can be used to refine content offered to listener) and an enhanced services 190 using information provided by a radio appliance 150 to provide content to a user ([0032], lines 3-8). Dyer and Hewitt are analogous art because both are from the field of server-side delivery of digital media content.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Dyer with Hewitt, an internet content delivery system that decides which content to transmit next in response to user input, because this modification allows for delivery of tailored content in response to user submissions (Hewitt, [0006], lines 7-12).

7. Claim 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer, as applied to claim 1, in view of Lippiner et al., US 2002/0147776 (hereinafter Lippiner), and further in view of Gorodetsky et al., US 2002/0124049 (hereinafter Gorodetsky).

For claim 8, Dyer teaches:

“Data transmission process as claimed in claim 1, [wherein a display data set is displayed by the client], a respective request for inputting of response data being sent automatically from the at least one client to the user thereof in a manner at least partially overlapping in time with displaying of the respective display data set from the client based on a respective query data set which differs from the display data set.”

Dyer does not disclose specifically the limitation “wherein a plurality of display data sets are automatically transmitted in succession in time from the at least one server to the at least one client and are displayed by the client”.

However, Lippiner teaches a system for surveying visitors to a website that discloses the central server 102 launching a survey, as a separate popup window under a web browser, on the visitor's computer that does not prevent the originally requested page from loading ([0038], lines 1-4). Dyer and Lippiner are analogous art because both are from the field of delivery of web-based surveys to clients.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Dyer with Lippiner, a survey delivery system that loads itself as a separate popup window, because this modification allows for delivery of originally requested web page without interference (Lippiner, [0038], lines 2-4).

The combination of Dyer and Lippiner fails to particularly disclose “wherein a plurality of display data sets are automatically transmitted in succession”. However, Gorodetsky discloses a java applet embedded into web pages that allows for asynchronous pushing of information to a web browser ([0019]). Dyer, Lippiner and

Art Unit: 4152

Gorodetsky are analogous art because all are from the field of delivery of web-based content to clients.

It would have been obvious to one skilled in the art at the time of the invention to modify the combination of Dyer and Lippiner with Gorodetsky, a java applet which allows for server-side pushing of web content, because this modification allows for delivery of content which, by nature, constantly changes, and it allows for richer user experience on a web site.

For claim 9, the combination of Dyer, Lippiner and Gorodetsky discloses:

Data transmission process as claimed in claim 8, wherein there is a predetermined control mechanism in which the display data set which is to be displayed at the time and the pertinent respective query data set for the input request, are fixed for controlling of the automatic progression (Gorodetsky, [0019], embedded java applet teaches "control mechanism" with which to automatically advance display sets and collect query data sets from user input requests).

For claim 10, the combination of Dyer, Lippiner and Gorodetsky discloses:

Data transmission process as claimed in claim 9, wherein the control mechanism is kept at the client or is transmitted automatically via a connection which has been set up at least temporarily from the query data server to the client (Gorodetsky, [0019]).

Art Unit: 4152

8. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer, as applied to claim 1, in view of Musgrove et al., US 6,725,222, (hereinafter Musgrove).

For claim 11, Dyer discloses:

"Data transmission process as claimed in claim 1"

Dyer does not disclose "wherein the progression of the process is automatically protocolled."

However, Musgrove discloses a web server 20 (col. 4, lines 39-40) that utilizes cookies (col. 5, lines 66-67 through col. 6, lines 1-2) to maintain the state of interaction between a client and the server (col. 6, lines 24-31). Dyer and Musgrove are analogous art because both are from the field of providing web content to users over the internet.

It would have been obvious to one skilled in the art at the time of the invention to modify Dyer with Gorodetsky, a web server system which employs cookies to maintain record of state of interaction with a client, because this modification allows for an interrupted session between a client and server to resume where it left off.

For claim 12, the combination of Dyer and Musgrove teaches:

Data transmission process as claimed in claim 1, wherein the automatic protocolling is performed on a server which is different from the client (col. 6, lines 24-31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLAYTON WILLIAMS whose telephone number is (571)270-3801. The examiner can normally be reached on M-F (8 a.m. - 5 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRW
12-18-07

/Nabil El-Hady/
Supervisory Patent Examiner, Art Unit 4152